



W.P.(MD)No.28628 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.28628 of 2024
and
W.M.P(MD)No.24267 of 2024

P.Saravanan

... Petitioner

Vs.

1.The Tamil Nadu State Information Commission,
Represented by the State Information Commissioner,
Nanthanam,
Chennai-600 035.

2.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Dindigul Division,
Dindigul.

3.The Tahsildar/First Appellate Authority,
Nilakottai Taluk,
Dindigul District.

4.The Public Information Officer,
Headquarters Deputy Tahsildar,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent, dated 29.02.2024 in SA No.



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2624/Visaranai/E/2022 and quash the same as illegal and consequently direct the 4th respondent to furnish the correct and complete information as requested by the petitioner in his application, dated 10.10.2022 under Section 6 of RTI Act by imposing penalty as contemplated under Section 20(1) and 20(2) of the Right to Information Act, 2005 as against the erring officials.

For Petitioner : Mr.A.Mohan

For R1 : Mr.Raghuvaran Gopalan
Standing Counsel

For R2 - R4 : Mrs.S.Jeyapriya
Government Advocate

ORDER

The petitioner challenges the order of the 1st respondent in SA.No. 2624/Visaranai/E/2022, dated 29.02.2024 and consequently seeks the 4th respondent to furnish correct and complete information as requested by the petitioner in application, dated 10.10.2022 and also impose penalty under Section 20(1) and 20(2) of the Right to Information Act, 2005 against the erring officials.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the 1st respondent and the learned Government Advocate for the respondents 2 to 4.



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3. The learned counsel for the petitioner would submit that the information provided on the petitioner's application was not only belated, but also false. He would draw my attention to the incorrect information that has been provided at the first instance. Further, after enquiry, 1st respondent Commissioner directed the Revenue Divisional Officer to conduct an enquiry. Thereafter, fresh information was furnished which is totally contrary to the information furnished earlier on 14.11.2022. Therefore, the petitioner has approached the 1st respondent for taking appropriate action against the concerned erring officials, who have provided false information to the petitioner and also directing correct and complete information to be furnished to the petitioner.

4. I have gone through the impugned order and I do not find any reasons whatsoever for accepting the explanation of the erring officers in order to drop further proceedings against him. The impugned order in so far as the initiation of action under Section 20 (1) and 20(2) of the Act is virtually a non speaking order, excepting for stating that the explanation of the Public Information Officer/Deputy Tahsildar, dated 15.02.2024 is accepted. When there is a specific complaint with regard to false information being furnished by the said person, which is evident from the fact that, on enquiry directed by the 1st



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respondent, different information altogether is furnished to the petitioner, the

glaring mistake is apparent on the face of the record and therefore, the 1st

respondent ought not to have dealt with the explanation, if any, so casually.

5. The impugned order, dated 29.02.2024 is therefore set aside and the matter is remitted to the 1st respondent to pass a considered order on the petitioner's application seeking to punish the erring officials under Section 20 (1) and 20 (2) of the Right to Information Act, 2005. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order after giving due opportunity to the parties concerned.

6. With the above directions, this Writ Petition stands disposed of. No costs.

24.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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O/o the Revenue Divisional Officer,
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P.B.BALAJI, J.

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